



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
REGION 5  
77 WEST JACKSON BOULEVARD  
CHICAGO, IL 60604-3590

JUL 09 2014

REPLY TO THE ATTENTION OF:

**CERTIFIED MAIL 7009 1680 0000 7677 8893**  
**RETURN RECEIPT REQUESTED**

Mr. Jim Moir  
Plant Manager  
SMS Modern Hard Chrome Service, LLC  
12880 East Nine Mile Road  
Warren, Michigan 48089

Re: Request for Information  
SMS Modern Hard Chrome Service, LLC, Warren, Michigan  
MID 005 503 263

Dear Mr. Moir:

By this letter, the U.S. Environmental Protection Agency requests information under Section 3007(a) of the Resource Conservation Act (RCRA), as amended, 42 U.S.C. § 6927(a). Section 3007(a) authorizes the Administrator of EPA to require SMS Modern Hard Chrome Service, LLC (SMS Modern Hard Chrome, the facility or you) to submit information necessary for EPA to administer RCRA. The Administrator of EPA has delegated this authority to the Regional Administrators. This authority is further delegated within Region 5 to Section Chiefs in the RCRA Branch of the Land and Chemicals Division.

This request requires you to submit information relating to waste activities at your facility located at 12880 East Nine Mile Road in Warren, Michigan. We are requiring this information to determine the facility's compliance status with requirements of the Michigan Administrative Code (MAC) and the United States Code of Federal Regulations (CFR). A generator may accumulate hazardous waste on site for 90 days or less without having a construction permit or an operating license, provided that the generator complies with all applicable conditions set forth in MAC Rule 9306 [40 CFR § 262.34]. The enclosure specifies the information you must submit. You must submit this information within thirty (30) calendar days of receiving this request to the United States Environmental Protection Agency, Attention: Walt Francis, 77 West Jackson Boulevard, LR-8J, Chicago, Illinois 60604.

You may, under 40 CFR Part 2 Subpart B, assert a business confidentiality claim covering all or part of the information in the manner described in 40 CFR § 2.203(b). We will disclose the information covered by a business confidentiality claim only to the extent and by means of the procedures at 40 CFR Part 2, Subpart B. You must make any request for confidentiality when you submit the information since any information not so identified may be made available to the

public without further notice.

SMS Modern Hard Chrome must submit the requested information under an authorized signature certifying that the information is true and complete to the best of the signatory's knowledge and belief. Should the signatory find, at any time after submitting the requested information, that any portion of the submitted information is false, misleading or incomplete, the signatory should notify us. Knowingly providing false information, in response to this request, may be actionable under 18 U.S.C. §§ 1001 and 1341. We may use the requested information in an administrative, civil or criminal action.

This request is not subject to the Paperwork Reduction Act, U.S.C. §§ 3501-3520, because it seeks collection of information from specific individuals or entities as part of an administrative action or investigation.

Failure to comply fully with this request for information may subject SMS Modern Hard Chrome to an enforcement action under Section 3008 of RCRA, 42 U.S.C. § 6928.

You should direct questions about this request for information to Walt Francis at (312) 353-4921.

Sincerely,



Julie Morris, Chief  
Compliance Section 2  
RCRA Branch  
Land and Chemicals Division

Enclosures

cc: James Day, MDEQ-Southeast Michigan District Office ([dayj@michigan.gov](mailto:dayj@michigan.gov))

John Craig, MDEQ ([craigj@michigan.gov](mailto:craigj@michigan.gov))

Lonnie Lee, MDEQ ([leel@michigan.gov](mailto:leel@michigan.gov))

## **REQUEST FOR INFORMATION**

**Instructions:** You must respond separately to each of the questions or requests in this attachment. Precede each answer with the number of the Request for Information to which it corresponds. For each document produced in response to this Request for Information, indicate on the document, or in some other reasonable manner, the number of the question to which it responds.

### **Requests**

1. Identify all persons consulted in preparing the answers to this Request for Information. Provide the full name and title for each person identified.
2. During the February 7, 2012, hazardous waste inspection of the SMS Modern Hard Chrome East Nine Mile Road, Warren, Michigan facility, the inspectors observed five unlabeled 5-gallon containers and two labeled 55-gallon containers in the hazardous waste less than 90-day accumulation area, see photograph 14 from the inspection report. In your August 30, 2012, NOV response letter, you stated the “containers were full of sludge (chrome) as the result of most recent clean out, these containers were stored and waiting to be characterized, and then properly labeled and finally disposed of off-site”. You included an off-site manifest dated “2/7/2012” which included “5 Drums” of D007 chromium hazardous waste. SMS Modern Hard Chrome provided EPA with an Analytical report from RTI Laboratories, Inc. (RTI Laboratories) for “Roll Shop – Chrome Rags/Debris” and “Roll Shop – Chrome Sludge” with a sample collection date of 1/20/2011 and data reported on “2/2/2011”.
  - a. Please state if the RTI Laboratories Analytical Report was for samples collected from the “unlabeled” 5-gallon containers that were observed in the SMS Modern Hard Chrome hazardous waste less than 90 day accumulation area on 2/7/2012.
  - b. If the RTI Laboratories Analytical Report was based on an earlier sampling, please state how long the 5-gallon containers had been stored in the hazardous waste less than 90-day accumulation area and provide any supporting documentation.
  - c. On February 9, 2012, Mr. Richard Cichon sent EPA a SMS Modern Hard Chrome Waste Material Inventory sheet. The Waste Material Inventory Sheet includes the items: “Ammonium Persulfate”; “Chrome Sludge”; and Wood/Cr cont” with “Acc. Dates” of 11/8/2011, and 11/9/2011. Please state if the 5-gallon containers observed in the hazardous waste less than 90-day accumulation area on February 7, 2012 had been placed there since 11/8/2011 and 11/9/2011, or provide other information or Waste Material

Inventory sheets as to when the containers were placed in the 90-day accumulation area.

3. Provide the following certification by a responsible corporate officer:

I certify under the penalty of law that I have examined and am familiar with the information submitted in responding to this information request for production of documents. Based on my review of all relevant documents and inquiring of those individuals immediately responsible for providing all relevant information and documents, I believe that the information submitted is true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

bcc: Peter Felitti, C-14J  
(felitti.peter@epa.gov)